

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF ARKANSAS
HARRISON DIVISION

UNITED STATES OF AMERICA

PLAINTIFF

v.

No. 3:19-CR-30003-008

MALIA ANNE MCENANEY

DEFENDANT

OPINION AND ORDER

Defendant Malia Anne McEnaney filed motion for reconsideration (Doc. 710) of the Court's opinion and order (Doc. 708) denying her second motion for compassionate release. The Government has not filed a response, but no response will be necessary.

On May 20, 2021, the Court denied Defendant's motion for compassionate release. Defendant then filed a successive motion for compassionate release, which the Court denied on November 17, 2021, because Defendant did not file her motion for reconsideration within the time period prescribed by Rule 4(b) of the Federal Rules of Appellate Procedure. *See United States v. Mofle*, 989 F.3d 646, 648 (8th Cir. 2021) (holding that a second motion for a § 3582(c) sentence reduction based on the same grounds addressed by previous court order should be treated as a motion for reconsideration subject to Rule 4(b)'s timeliness requirements). Defendant's current motion will be denied for failure to file within the Rule 4(b) time period.

To the extent Defendant's motion for reconsideration is a successive § 3582(c) motion in which Defendant presents new arguments for compassionate release, the Court will deny the motion based on the § 3553(a) factors. Defendant was sentenced to 60 months imprisonment, a 91-month downward variance, after pleading guilty to conspiracy to distribute methamphetamine. Although Defendant was a minor participant in a large-scale drug trafficking conspiracy, Defendant was the only member of the conspiracy to qualify for career offender status and the

Court found a sentence of 60 months was necessary for deter future criminal conduct and reflect the seriousness of the offense. The Court finds the § 3553(a) factors—specifically the need to reflect the seriousness of the offense, the need to afford adequate deterrence, and the need to provide defendant with the needed correctional treatment—weigh against modification.

IT IS THEREFORE ORDERED that Defendant's motion (Doc. 710) will be DENIED.

IT IS SO ORDERED this 21st day of January, 2022.

/s/ P. K. Holmes, III

P.K. HOLMES, III
U.S. DISTRICT JUDGE